

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

June 15, 1994



ALL-COUNTY LETTER NO. 94-49

TO: ALL COUNTY WELFARE DIRECTORS
ALL GAIN COORDINATORS
ALL CWPDP COORDINATORS

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
- ☒ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: GREATER AVENUES FOR INDEPENDENCE (GAIN) EXEMPTION
LIMIT DEMONSTRATION PROJECT

REFERENCE: ALL COUNTY INFORMATION NOTICE I-30-93
ALL COUNTY LETTER 94-12
ALL COUNTY LETTER 94-31

The California Department of Social Services (CDSS) will be conducting the GAIN Exemption Limit Demonstration Project from June 1, 1994 through May 31, 1997 under waivers of state law and regulations that govern the GAIN Program. The Project will operate statewide to test the impact of limiting the exemption for care of a child under age three to once during a period of continuous eligibility for Aid to Families with Dependent Children (AFDC).

BACKGROUND

Under current law, AFDC applicants and recipients must register to participate in GAIN unless they are exempt for specified reasons. Individuals who are personally responsible for the care of children under age three are exempt from this requirement.

Pursuant to Senate Bill (SB) 35 (Chapter 69, Statutes of 1993) and regulations that took effect April 1, 1994 (Manual of Policies and Procedures (MPP) Section 42-796.1), the exemption for care of a child under age three is available only one time during a period of continuous AFDC eligibility. As defined in current law and regulations, a period of continuous eligibility is terminated by a break in aid of just one day. Short breaks in AFDC (e.g., one day or one month) occur frequently. Therefore, to be effective, the exemption limit must be implemented with the requirement that a period of continuous AFDC eligibility is terminated only by a substantial break in aid of specified duration.

DEMONSTRATION PROJECT PROVISIONS

The GAIN Exemption Limit Demonstration Project will require a break in AFDC of at least six consecutive calendar months before an individual may receive a second or subsequent full exemption for care of a child until age three. Please

see the enclosed Program and Evaluation Guide for a detailed description of project requirements.

The purpose of the Project is to implement the SB 35 exemption limit in an effective, enforceable manner and to test the hypothesis that the exemption limit will promote employment, reduce welfare dependency, and decrease grant payments by requiring earlier participation in GAIN.

Pursuant to Welfare and Institutions Code Section 18204, the Director of CDSS has waived Welfare and Institutions Code Section 11310(b)(6)(A) and MPP Section 42-796.1 in order to conduct the Project.

The exemption limit is also a component of the California Work Pays Demonstration Project (CWPDP) in accordance with a waiver of federal law. Therefore, it will be implemented and evaluated with other provisions of the CWPDP under a research design developed in conjunction with a third party evaluator.

NOTICES AND FORMS

The enclosed TEMP 2070 and TEMP 2070A are mass informing notices that explain the exemption limit. One of these notices should be included as a stuffer only once in a mailing to all AFDC recipients as soon as it is administratively feasible. If possible, the notice should not be sent to control cases in CWPDP research counties. CWPDP research counties that are unable to separate control and experimental cases should use the TEMP 2070A that includes the language: "If you are in the control group of the Assistance Payments Demonstration Project (now called the California Work Pays Demonstration Project), the changes explained in this notice do NOT apply to you." All other counties should use TEMP 2070. The TEMP 2070 and TEMP 2070A are masters only; stock will not be produced. Camera-ready copies of the notices may be requested by calling the CDSS Forms Management Unit at (916) 657-1907 or CALNET 437-1907. Copies of Asian language versions (Chinese, Lao, Cambodian, and Vietnamese) will be forwarded to County Forms Coordinators by the Language Services Bureau when translations are available.

The GAIN Guidebook and pertinent forms (GAIN 24, 52, and 53) have been revised to reflect the exemption limit. Reproducible copies of the revised forms, as well as another stuffer for use with the existing Guidebook until the revised Guidebook is available, are being transmitted with a separate letter to GAIN and CWPDP Coordinators.

A series of questions and answers are enclosed to clarify issues that may arise as you implement the exemption limit. If you need further information, please contact your GAIN Operations analyst at (916) 657-3403.

Sincerely,



MICHAEL C. GENEST
Deputy Director
Welfare Programs Division

Enclosures

GREATER AVENUES FOR INDEPENDENCE (GAIN)
EXEMPTION LIMIT DEMONSTRATION PROJECT

PROGRAM AND EVALUATION GUIDE

INTRODUCTION

The purpose of the GAIN Exemption Limit Demonstration Project is to effectively implement and evaluate a provision of Senate Bill (SB) 35 (Chapter 69, Statutes of 1993). SB 35 amended state law to limit the availability of the exemption from GAIN participation for parents or other relatives with personal responsibility for care of children under age three. The bill permits only one full exemption during each "period of continuous eligibility" for AFDC. A limited four-month exemption is granted to parents for any subsequent children born or adopted during that period.

The Demonstration Project will operate statewide from June 1, 1994 through May 31, 1997 in accordance with waivers of state law and regulations pursuant to Welfare and Institutions Code Section 18204.

PROGRAM REQUIREMENTS

A parent or other relative with personal responsibility for care of a child under age three will be granted either a full or limited exemption from registration for GAIN.

Full Exemption

- A full exemption will be granted when: (1) the parent or relative has not received it before, or (2) there has been a continuous break in AFDC of at least six full calendar months since the individual's last full exemption.
- The exemption will end on the third birthday of the youngest child under the parent/relative's care when the exemption is initially granted. The exemption remains linked to that specific child. It will not be extended even if the parent/relative becomes responsible for care of a younger child prior to the established termination date.
- ~~During interruptions in responsibility for care of the child upon whom the exemption is based, the exemption will be suspended but reinstated when care is resumed prior to the child's third birthday.~~
- For the duration of the Demonstration Project, the exemption limit will not apply to exemptions granted to the parent/relative during periods of AFDC eligibility in other states.
- For tracking and reporting purposes, the full exemption will continue to be recorded as a Code 08.

Limited Exemption

- A limited exemption will be granted to a parent upon the birth or adoption of a child when the full exemption does not apply as provided above. It will end four full calendar months from the date of a child's birth or placement for adoption (e.g., for a child born May 15, the exemption would end on the last day of September).
- Interruptions in responsibility for care of the child will suspend the exemption, but it will be reinstated if care is resumed before its expiration date.
- For tracking and reporting purposes, the limited exemption will be recorded as a Code 12.

IMPLEMENTATION

The exemption limit is also a component of the California Work Pays Demonstration Project (CWPDP) in accordance with a waiver of federal law and regulations granted by the U. S. Department of Health and Human Services. Therefore, it will be implemented with other provisions of the CWPDP. The limit will apply statewide to all applicants for, and recipients of, Aid to Families with Dependent Children (AFDC), except those in control groups in the four CWPDP research counties (Los Angeles, San Bernardino, San Joaquin, Alameda).

The limit will only apply to exemptions that remain in effect or commence on or after the effective date of the Demonstration Project. Exemptions that are completed prior to that date will not be counted.

EVALUATION

The exemption limit will be evaluated with other provisions of the CWPDP under a research design developed in conjunction with a third party evaluator.

GAIN EXEMPTION DEMONSTRATION PROJECT

QUESTIONS AND ANSWERS

1. When an individual is entitled to a postpartum incapacity exemption, will the four-month exemption begin on the date of birth or upon expiration of the incapacity exemption?

A. The statute provides a four-month exemption "upon the birth or adoption of a child." Therefore, the exemption will begin on the date the child is born or placed for adoption and terminate four full calendar months later. For example, if a baby is placed in the adoptive parent's care on June 14, the exemption will terminate on the last day of October.

2. Does the four-month exemption apply only for birth and adoption? Would it apply if a child enters the home by other than birth or adoption, for example, a child under three who is returning from residence with another parent?

A. The four-month exemption will be granted only to a parent when a child is born or placed for adoption. It will not be granted to a parent, foster parent, or caretaker as a result of a change in physical custody.

3. Depending on the ages of children under three when exemptions are granted in the future (or when the limit is applied to existing exemptions), some "full" exemptions may actually be shorter than the four-month exemption. Will short exemptions still count as full exemptions?

A. Yes. As they do now, exemptions will vary in duration. The statute does not establish a minimum length for the full exemption.

4. If the child upon which the exemption is based leaves the home but there is another child under three, does the exemption continue? If another child is born before the first one turns three, does the exemption continue until the newborn turns three?

A. No. At the time a full exemption is established, it is linked to a specific child. It does not pass to another child under any circumstances.

5. What kind of verification/documentation is needed to determine periods of continuous AFDC eligibility and exemption?

Counties may devise their own methods for verifying and tracking individual periods of eligibility and exemption as long as such methods meet operating guidelines for the GAIN Exemption Limit Demonstration Project and reporting requirements for evaluation of the California Work Pays Demonstration Project.

NEW GAIN EXEMPTION LIMIT FOR APPLICANTS AND RECIPIENTS OF AFDC

Beginning April 1, 1994, the rules changed about being exempt from GAIN (Greater Avenues for Independence Program) until your youngest child turns three. Now you may get this exemption just once.

- The exemption is for a certain child, and cannot be given to another child. If the child that makes you exempt leaves your care, you will be registered for GAIN. If the child comes back to your care, you will be exempt again until the child turns three.
- If you have this exemption on or after April 1, 1994, and then have another child, the exemption for the new child will last only four months. The exemption for the new child starts when the child is born or adopted.
- You can be exempt from GAIN until your new child turns three only after you have been off AFDC for six months.

If you want to learn more about these new exemption rules, ask your worker.

NUEVO LIMITE DE LA EXENCION DE GAIN PARA LAS PERSONAS QUE SOLICITAN Y RECIBEN AFDC

Comenzando el 1º de abril de 1994, han cambiado las reglas para estar exento de GAIN (Mejores Opciones para Independizarse) mientras que su niño(a) más pequeño no cumpla tres años de edad. Ahora usted puede recibir esta exención solamente una vez.

- La exención es para cierto niño, y no se le puede dar a otro niño. Si el niño que hace que usted esté exento deja de estar bajo su cuidado, se le registrará a usted en GAIN. Si el niño(a) vuelve a su cuidado, usted estará exento(a) nuevamente mientras el niño no cumpla tres años de edad.
- Si usted tiene esta exención el o después del 1º de abril de 1994, y luego tiene otro niño, la exención para el nuevo niño durará solamente cuatro meses. La exención para el nuevo niño comenzará cuando el niño nazca o sea adoptado.
- Usted puede estar exento de GAIN mientras que su nuevo niño no cumpla tres años de edad, solamente después que usted haya dejado de recibir AFDC durante seis meses.

Si desea más información acerca de estas nuevas reglas sobre la exención, pregúntele a su trabajador(a).

NEW GAIN EXEMPTION LIMIT FOR APPLICANTS AND RECIPIENTS OF AFDC

If you are in the control group of the Assistance Payments Demonstration Project (now called the California Work Pays Demonstration Project), the changes explained in this notice do NOT apply to you.

Beginning April 1, 1994, the rules changed about being exempt from GAIN (Greater Avenues for Independence Program) until your youngest child turns three. Now you may get this exemption just once.

- The exemption is for a certain child, and cannot be given to another child. If the child that makes you exempt leaves your care, you will be registered for GAIN. If the child comes back to your care, you will be exempt again until the child turns three.
- If you have this exemption on or after April 1, 1994, and then have another child, the exemption for the new child will last only four months. The exemption for the new child starts when the child is born or adopted.
- You can be exempt from GAIN until your new child turns three only after you have been off AFDC for six months.

If you want to learn more about these new exemption rules, ask your worker.

NUEVO LIMITE DE LA EXENCION DE GAIN PARA LAS PERSONAS QUE SOLICITAN Y RECIBEN AFDC

Si usted está en un grupo seleccionado del Proyecto de Demostración de Pagos de Asistencia (al cual se le llama ahora Proyecto de Demostración de California el Trabajar le Beneficia - *Work Pays*), los cambios que se explican en este aviso NO son pertinentes a usted.

Comenzando el 1º de abril de 1994, han cambiado las reglas para estar exento de GAIN (Mejores Opciones para Independizarse) mientras que su niño(a) más pequeño no cumpla tres años de edad. Ahora usted puede recibir esta exención solamente una vez.

- La exención es para cierto niño, y no se le puede dar a otro niño. Si el niño que hace que usted esté exento deja de estar bajo su cuidado, se le registrará a usted en GAIN. Si el niño(a) vuelve a su cuidado, usted estará exento(a) nuevamente mientras el niño no cumpla tres años de edad.
- Si usted tiene esta exención el o después del 1º de abril de 1994, y luego tiene otro niño, la exención para el nuevo niño durará solamente cuatro meses. La exención para el nuevo niño comenzará cuando el niño nazca o sea adoptado.
- Usted puede estar exento de GAIN mientras que su nuevo niño no cumpla tres años de edad, solamente después que usted haya dejado de recibir AFDC durante seis meses.

Si desea más información acerca de estas nuevas reglas sobre la exención, pregúntele a su trabajador(a).